



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/824,887

04/13/2004

Bhaskar Ghosh

50277-2404

7312

43425

7590

08/27/2008

HICKMAN PALERMO TRUONG & BECKER/ORACLE

2055 GATEWAY PLACE

SUITE 550

SAN JOSE, CA 95110-1083

EXAMINER

HWA, SHYUE JUINN

ART UNIT

PAPER NUMBER

2163

MAIL DATE

DELIVERY MODE

08/27/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/824,887

Applicant(s)

GHOSH ET AL.

Examiner

JAMES HWA

Art Unit

2163

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 August 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-25 and 27-29.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Cam Y Truong/
Primary Examiner, Art Unit 2163

Continuation of 11, does NOT place the application in condition for allowance because: Applicant disagrees that any claim is "drawn to a form of energy" for the 101 rejection of claims 15-25 and 27-29. Applicant also disagrees with any suggestion that Applicant intends the term "medium" to mean anything by itself. Applicant's claim language must be read in its entirety. Examiner respectfully disagrees. In response Applicant's argument, "A computer-readable storage medium" includes punchcards (paper) or carrier wave (paragraph 0077) is not hardware or physical article, the 101 rejection is maintained.

Applicant argued that, "Reiner discloses referencing pnode types having two executor functions which share the same pnode data structure (Office Action, Page 5, Paragraph 3; referencing Reiner's col. 42, lines 16-25). However, it is unclear which portion of Applicant's claims this section is relevant to. Acknowledgement and clarification is respectfully requested" in claim 1. Examiner respectfully disagrees.

From instant specification disclosed the sharing process as follow: "the slaves are to perform their assigned tasks based on the shared execution plan, all the constructs used for the execution of a parallel statement" (paragraph 0030). "On each remote node, the original statement is delinearized, reconstructed, and built into the cursor by one slave, and shared by all others on the same node" (paragraph 0034). "Interesting parallel execution statistics are all available in the row sources of the shared plan across all slaves and can be aggregated either live or after a query finishes" (paragraph 0035). "The QC and all slaves share or use the same parallel single cursor" (paragraph 0037). "The database server provides an infrastructure to store, access and aggregate statistics across all the shared slave cursors" (paragraph 0072).

In response Applicant's argument, Reiner discloses since host variables described in the bind descriptor are not modified by query execution, and since they are referenced identically in all parallel subqueries of the same pcursor, the root cursor's bind descriptor can be shared by parallel subqueries (column 60, lines 30-44). The subcursor pnode functionality could potentially be decomposed to more than one specialized pnode types, but need not be. It is unique among pnode types described thus far in having two executor functions which share the same pnode data structure. The master executor is called by the subcursor pnode's parent (e.g. master). The master and parallel executors can coordinate their work by means of semaphores, with the master checking to see whether a next row is ready whenever one is requested by the subcursor pnode's parent. (to avoid a busy wait it may actually be preferable for the parent of the subcursor node to wait on semaphore of all of its children (e.g. slave) until one is ready. In this case, the role of the subcursor's master executor would be to perform whatever manipulation of buffer pointers and resetting of semaphores (e.g. restricting access to shared resources) is necessary to return a row to the parent, to keep the details of the subcursor's buffer and semaphore management transparent to the parent, and to factor out these functions from the different possible parent types. The master's role is somewhat analogous to that of client-side DBMS software in a client-server DBMS. Conceptually, these tasks could be performed by the parent, so that the master executor is not strictly required.) (column 42, lines 19-46).